
Introduced by Senator Torlakson

February 21, 2008

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, and by amending Section 3 of Article XIII D thereof, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SCA 18, as introduced, Torlakson. Taxation: Education Finance District: special tax.

The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of $\frac{2}{3}$ of the voters of the city, county, or special district voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property.

This measure would instead condition the imposition of a special tax by an education finance district established pursuant to statute upon the approval of a majority of the voters of the district voting on that tax, and would also make conforming changes to related provisions.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

- 1 *Resolved by the Senate, the Assembly concurring,* That the
- 2 Legislature of the State of California at its 2007–08 Regular
- 3 Session commencing on the fourth day of December 2006,
- 4 two-thirds of the membership of each house concurring, hereby
- 5 proposes to the people of the State of California, that the
- 6 Constitution of the State be amended as follows:

1 First—That Section 4 of Article XIII A thereof is amended to
2 read:

3 SEC. 4. ~~Cities, Counties and special districts, Except as~~
4 ~~provided by paragraph (2) of subdivision (d) of Section 2 of Article~~
5 ~~XIII C a city, county, or special district, by a two-thirds vote of~~
6 ~~the qualified electors of such district its voters voting on the~~
7 ~~proposition, may impose special taxes on such district a special~~
8 ~~tax within that city, county, or special district, except an ad valorem~~
9 ~~taxes tax on real property or a transaction transactions tax or sales~~
10 ~~tax on the sale of real property within such City, County that city,~~
11 ~~county, or special district.~~

12 Second—That Section 2 of Article XIII C thereof is amended
13 to read:

14 SEC. 2. ~~Local Government Tax Limitation.~~ Notwithstanding
15 any other provision of this Constitution:

16 (a) ~~All taxes~~ Any tax imposed by any local government shall be
17 ~~deemed to be~~ is either a general taxes tax or a special taxes tax.
18 ~~Special purpose districts A special district or agencies agency,~~
19 ~~including a school districts, shall have district, has no power~~
20 ~~authority to levy a general taxes tax.~~

21 (b) No local government may impose, extend, or increase any
22 general tax unless and until that tax is submitted to the electorate
23 and approved by a majority vote. A general tax shall is not be
24 deemed to have been increased if it is imposed at a rate not higher
25 than the maximum rate so approved. The election required by this
26 subdivision shall be consolidated with a regularly scheduled general
27 election for members of the governing body of the local
28 government, except in cases of emergency declared by a unanimous
29 vote of the governing body.

30 (c) Any general tax imposed, extended, or increased, without
31 voter approval, by any local government on or after January 1,
32 1995, and prior to the effective date of this article, shall may
33 continue to be imposed only if that general tax is approved by a
34 majority vote of the voters voting in an election on the issue of the
35 imposition, which election shall be held within two years of the
36 effective date of this article no later than November 5, 1996, and
37 in compliance with subdivision (b).

38 (d) ~~No—(1) Except as provided by paragraph (2), a local~~
39 ~~government may not~~ impose, extend, or increase any special tax
40 unless and until that tax is submitted to the electorate and approved

1 by a two-thirds vote. A special tax ~~shall~~ *is not be* deemed to have
2 been increased if it is imposed at a rate not higher than the
3 maximum rate so approved.

4 (2) *An education finance district established pursuant to statute*
5 *may, with the approval of a majority of the voters voting on the*
6 *proposition at an election, impose a special tax within its*
7 *jurisdiction. A special tax imposed pursuant to this paragraph*
8 *shall not be deemed to have been increased if it is imposed at a*
9 *rate not higher than the maximum rate so approved.*

10 Third—That Section 3 of Article XIII D thereof is amended to
11 read:

12 SEC. 3. ~~Property Taxes, Assessments, Fees and Charges~~
13 ~~Limited.~~ (a) ~~No~~ *An agency shall not assess a tax, assessment, fee,*
14 *or charge shall be assessed by any agency* upon any parcel of
15 property or upon any person as an incident of property ownership
16 except:

17 (1) The ad valorem property tax imposed pursuant to Article
18 XIII and Article XIII A.

19 (2) Any special tax receiving a two-thirds vote pursuant to
20 Section 4 of Article XIII A *or, as applicable, a majority vote*
21 *pursuant to paragraph (2) of subdivision (d) of Section 2 of Article*
22 *XIII C.*

23 (3) Assessments as provided by this article.

24 (4) Fees or charges for property related services as provided by
25 this article.

26 (b) For purposes of this article, fees for the provision of electrical
27 or gas service ~~shall~~ *are not be* deemed charges or fees imposed as
28 an incident of property ownership.